

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

NATALIE SOTO,

Plaintiff,

Civil Action

File No.: **1:24-cv-02911-SDG**

v.

WENDELL HOLMES, JR.,

Defendant.

**PLAINTIFF’S STATEMENT OF UNDISPUTED MATERIAL FACTS IN
SUPPORT OF MOTION FOR SUMMARY JUDGMENT**

Pursuant to Local Rule 56.1(B)(1), Plaintiff respectfully submits this
Statement of Undisputed Material Facts in support of her Motion for Summary
Judgment:

1.

Plaintiff and Defendant Holmes were in a romantic relationship between
approximately September and the end of December 2023. (*Deposition of Wendell
Holmes, Jr. pg 26, lines 3-10, pertinent excerpts of which are attached as Exhibit
“A”; Affidavit of Natalie Soto ¶ 3, attached as Exhibit “B”.*)

2.

During that relationship, Plaintiff sent Defendant Holmes nude photos of
herself that showed her exposed breasts. (*Exhibit “A”- Deposition of Wendell*

Holmes, Jr., pg 34:18–35:20; Exhibit “B” - Affidavit of Natalie Soto ¶ 4.)

3.

The nude photos were intended solely for the private enjoyment of Plaintiff and Defendant Holmes, and were not intended for distribution to anyone other than Defendant Holmes. (*Exhibit “B” - Affidavit of Natalie Soto ¶ 5*).

4.

On or about February 22, 2024, Defendant Holmes threatened to post Plaintiff’s private nude photos during a heated text message argument with Plaintiff. (*Exhibit “A” - Deposition of Wendell Holmes, Jr., pg 53, 22-24*).

5.

Defendant Holmes provided Plaintiff a deadline of noon on February 23rd to comply with his demands or he would make Plaintiff’s life “a living hell” by posting her nude photos. (*Exhibit “A” - Deposition of Wendell Holmes, Jr., pg 53, 22-24, pg 54, 1-6*).

6.

The very next day (February 23, 2024), Defendant Holmes sent a message via Facebook Messenger to a third party, Dawn Douglas, which included the nude photos of Plaintiff. (*Affidavit of Dawn Douglas ¶¶ 13–14, attached as Exhibit “C”; Holmes Mot. to Amend Dep. ¶¶ 3–4, attached as Exhibit “D”*).

7.

Dawn Douglas had never met Plaintiff prior to February 23, 2024. (*Exhibit “C” - Affidavit of Dawn Douglas ¶ 2*).

8.

Dawn Douglas had previously met Defendant Holmes on a dating app, but had never met Defendant Holmes in person prior to February 23, 2024. (*Exhibit “C” - Affidavit of Dawn Douglas ¶ 6*).

9.

Plaintiff did not consent to the sharing or distribution of her nude images by Defendant Holmes. (*Exhibit “B” - Affidavit of Natalie Soto ¶ 20; Exhibit “C” - Affidavit of Dawn Douglas ¶ 15*).

10.

During his deposition, Defendant Holmes denied sending nude photos of Natalie Soto via Facebook Messenger to Dawn Douglas. (*Exhibit “A” - Deposition of Wendell Holmes, Jr., page 52, line 25; page 53, line 10; page 54, lines 7–11*).

11.

However, Defendant Holmes has now admitted in a filing with this Court [Doc 31], that he lied in his deposition about sending nude photos of Natalie Soto

via Facebook Messenger to Dawn Douglas. (*Exhibit “D”*). ¹

12.

In his “Motion to Amend Deposition Testimony” [Doc 31], Defendant Holmes now admits that he disclosed nude images of Plaintiff to Dawn Douglas. (*Exhibit “D”*). ²

13.

The cell phone used by Defendant Holmes for the disclosure of the images in this case is a T-Mobile (formerly Sprint) phone. (*Exhibit “A”- Deposition of Wendell Holmes, Jr., page 19, lines 1–7*).

11.

Defendant Holmes also used a Google Voice phone number to threaten and harass Plaintiff. (*Exhibit “A”- Deposition of Wendell Holmes, Jr., page 41, lines 14–25 and page 42, lines 1–3*). ³

¹ “My previous denial of sharing the Plaintiff’s photo was made under immense stress and fear of legal consequences. I was unprepared for the nature of the deposition and felt pressured, which led to my decision to lie. “ [Exhibit “D”, pg 2.]

² “I now seek to amend my testimony to truthfully acknowledge that I did, in fact, share the Plaintiff’s photo with Dawn Douglas.” [Exhibit “D”, pg 1.]

³Page 44, lines 20–21:
Holmes told Soto, “Don’t forget to lock your doors ”

Page 45, lines 18–25:
Holmes said, “Oh trust I can find you, lol.” and called Soto “a dumb bit bitch,” “trailer park trash hoe,” and insulted her daughter
.

This 10th day of April, 2025.

/S/ Joseph W. Weeks

Joseph W. Weeks

Attorney for Plaintiff

Georgia Bar No. 912341

McNALLY WEEKS

125 Clairemont Avenue, Suite 450

Decatur, GA 30030-2560

Ph: 404-373-3131

Fax: 404-373-7286

jweeks@mcnallyweeks.com

LR 7.1(D) NDGa. CERTIFICATE

I, Joseph W. Weeks, hereby certify that the foregoing PLAINTIFF'S
STATEMENT OF UNDISPUTED MATERIAL FACTS IN SUPPORT OF
MOTION FOR SUMMARY JUDGMENT has been prepared with one of the font
and point selections approved by the Court in LR 5.1, NDGa.

This 10th day of April, 2025.

McNally Weeks

/s/ Joseph W. Weeks
Joseph W. Weeks

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

NATALIE SOTO,

Plaintiff,

Civil Action

File No.: **1:24-cv-02911-SDG**

v.

WENDELL HOLMES, JR.,

Defendant.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy and/or an electronic copy of the within and foregoing PLAINTIFF'S STATEMENT OF UNDISPUTED MATERIAL FACTS IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT was served upon all parties to this action and/or counsels of record in this action via electronic filing through the Court's CM/ECF system which will automatically send an electronic copy of said pleading to all electronic service registrants and attorneys of record, and/or via email, and/or via USPS First Class Mail with postage paid and addressed as follows:

Wendell Holmes, Jr.
5934 Rosie Lane, SE
Mableton, GA 30126
wendellholmesjr@gmail.com

This 10h day of April, 2025.

/s/ Joseph W. Weeks

Joseph W. Weeks

Attorney for Plaintiff

Georgia Bar No. 912341

McNALLY WEEKS

125 Clairemont Avenue, Suite 450

Decatur, GA 30030-2560

Ph: 404-373-3131

Fax: 404-373-7286

jweeks@mcnallyweeks.com